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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/137,277 08/20/98 SETOGAWA

T 450100-4535

EXAMINER

TM02/1201

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ART UNIT

PAPER NUMBER

2173

DATE MAILED: 12/01/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/137,277

Applicant(s)
Toshiaki et al.

Examiner
Cao "Kevin" Nguyen

Group Art Unit
2173



☒ Responsive to communication(s) filed on 09/20/00

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-13 is/are pending in the ap

Of the above, claim(s) _____ is/are withdrawn from consider

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-13 is/are rejected.

☐ Claim(s) _____ is/are objected

☐ Claims _____ are subject to restriction or election require

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2713

DETAILED ACTION

Continued Prosecution Application

1. The request filed on September 20, 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/137,277 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubbell et al (US Patent No. 6,966,121 in view of Klingler et al. (US Patent No. 5,404,316).

Regarding claim 1, Hubbell discloses a menu control method for controlling displaying menu including at least one menu button for selecting an operation of disk recording, the display menu being determined at least in part on the basis of previously selected operations (see col. 8, lines 3-63); displaying a predetermined response picture when the operation of menu button on menu is selected. (see col. 9, lines 16-55). However, Hubbell fails to explicitly teach executing the selected operation of menu button after response picture is displayed.

Klingler teaches executing the selected operation of menu button after response picture is displayed (see col. 6, lines 21-68). It would have been obvious to one of an ordinary skill in the art at the time the invention was to provide executing the selected operation of menu button after response picture is displayed as taught by Klingler to the interactive hypervideo editing system of Hubbell in order to editing, developing, and executing a multimedia presentation on a display screen. It would enable user to capable using button selecting a menu of video images of displaying on a screen.

Regarding claims 2-3, Klingler discloses wherein response picture includes a moving picture and sound (see col. 8, lines 13-64).

Regarding claims 4-5, Klingler discloses assigned to menu button and operation instruction execute the specified operation (see col. 10, lines 9-68).

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Regarding claims 6-7, Klingler discloses wherein response picture includes a moving picture with sound and data is recorded as a series of data (see col. 23, lines 13-67).

As claims 8-13 are analyzed as previously discussed with respect to claims 1-7 above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See PTO-892)

Response

5. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-6306 may be used for formal communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

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Inquires

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (703) 308-3116. The fax number for this group is (703) 308-6360.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

PATENT EXAMINER
Art Unit 2173



Cao "Kevin" Nguyen
November 29, 2000